

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

BRIAN PATRICK ARNOLD,
Petitioner,

No. 1:13-cv-302-SU

v.

RICK ANGELOZZI,

ORDER

Respondent.

PANNER, District Judge:

Magistrate Judge Patricia Sullivan filed Findings and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983).

In this petition under 28 U.S.C. § 2254, petitioner challenges his conviction for second-degree robbery. I agree with the Findings and Recommendation that the petition must be dismissed because petitioner procedurally defaulted on his claims. Petitioner has not shown cause or prejudice for his default, or a fundamental miscarriage of justice. I adopt the Findings and Recommendation.

CONCLUSION

Magistrate Judge Sullivan's Findings and Recommendation (#17) is adopted. The petition (#2) is dismissed.

IT IS SO ORDERED.

DATED this 4 day of February, 2014.

A handwritten signature in black ink, appearing to read "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE